

2001 DRAFTING REQUEST**Bill**

Received: 09/06/2000

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Carol Roessler (608) 266-5300

By/Representing: Karen Asbjornson

This file may be shown to any legislator: NO

Drafter: rkite

May Contact: Tom Solin - DNR

Addl. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Local zoning checkoff for game farm applicants

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rkite 09/13/2000	wjackson 09/26/2000	rschluet 09/28/2000	_____	lrb_docadmin 09/28/2000		S&L
/2	rkite 03/02/2001	wjackson 03/05/2001	pgreensl 03/05/2001	_____	lrb_docadmin 03/05/2001	lrb_docadmin	S&L 05/11/2001

FE Sent For:

→ At Intro.

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FE Sent For: <div style="margin-left: 150px;"> 1/2 WJ 3/5 3/5 Pg <END> </div>							

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May Contact: Tom Solin - DNR 266-8574

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Pre Topic:

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

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1/?	rkite	1/1 WJ 9/26	 9.27.00	 JF 9.27.00			
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FE Sent For:



<END>

9-13-00

Called Tom Holm

he confirmed that game farm applicants
& wildlife exhibit applicants must
specify on their applications that
they intend to keep bear or cougar

Also - need not address "business relocation"
because if the farm or exhibit
relocates the owner must get a
new license

Tom raised the question of "existing
licenses"

he wanted to know if it was possible
to make those licenses get young approval
I told him that this could raise impairment
of contract issues / existing
He suggested that licenses be required to
get young checkoff at renewal time
(licenses run Jan. 1 - Dec 31) that is
for the first renewal but said that
he will go along w/ whatever Sen.
Roessler wants

called Karen in Roessler's office -
she agreed w/ Tom's suggestion &
told me to draft accordingly

Kite, Robin

From: Asbjornson, Karen
Sent: Friday, August 04, 2000 10:12 AM
To: Gibson-Glass, Mary; Kite, Robin
Subject: Re: Drafting legislation for next session

Hi Mary and Robin,

Senator Roessler would like to introduce legislation to require a local zoning checkoff for game farm applicants applying for a bear or cougar permit. I have met with Tom Solin, DNR, this week and have further information and details for whoever wants this.

Hope you are both having a great summer!

Karen Asbjornson
Office of Senator Roessler
Karen.Asbjornson@legis.state.wi.us

8-4-2000

Per Karen:

Uses this ^{method} at DOT
Current lawsuit on this issue
Will send over some info
O.K. to talk directly w/ Tom Solin
not urgent - begin work on this but can
be entered as a draft for next session

August 7, 2000

Hi Robin:

Here are my notes and documentation that I hope will help whoever is going to be doing this draft for next session.

The issue: Require that a game farm/wildlife exhibit get local checkoff if they plan to house bears or cougars. The checkoff would require the applicant to meet local zoning regulations before DNR could issue a permit. This checkoff sheet would be part of the DNR application. The bill would require a one-time local zoning checkoff for bear and/or cougar game farms and wildlife exhibits. After the one-time, only new or business relocation applications would need to have this form submitted.

Contacts:

Karen Asbjornson 266-5300
Office of Senator Roessler

Tom Solin ²⁶⁷⁻²⁷¹⁴¹ 266-8574
Dept. of Natural Resources

Table of Contents:

Packet	Description
1	How DOT gets local zoning approval for first-time dealerships
2	LaCrosse – letter and lawsuit information related to this topic
3	DNR and constituent correspondence on the issue



LA CROSSE COUNTY, WISCONSIN

ZONING AND LAND INFORMATION OFFICE

400 4th Street North • Room 105 • County Courthouse • La Crosse, Wisconsin 54601-3200

Telephone:

Mapping & Land Information (608) 785-9637

Zoning/Permits (608) 785-9722 FAX (608) 785-9704

May 2, 1997

Tom Solin
Special Operations Section
Division of Enforcement & Science
Dept of Natural Resources
101 S Webster St
PO Box 7921
Madison WI 53707

Glen Eveland
Area Wildlife Manager
Dept of Natural Resources
3550 Mormon Coulee Rd
La Crosse WI 54601

RE: Regulation of Game Farms

TO WHOM IT MAY CONCERN:

I am trying to find someone (a hero) interested within the Department of Natural Resources to take this ball and run. I'm contacting you first with hopes that you can get things rolling or direct me to another contact. I am looking for a change to be incorporated into whatever application forms are used to initiate a game farm license.

I am recommending that your form be amended to include a "sign off" line by the Town and/or County official responsible for proper zoning. Zoning does vary from County to County so a signature by one or the other or both would be needed. By doing so, it would indicate to the applicant that before any investment is made; the local governments involved may have something to say or have ordinances that prohibit this activity.

I am asking for your help and cooperation in order to help the average taxpayer get through what sometimes appears to be an enormous amount of regulation. With the requested change added to the forms, the applicants can at least ask questions and forecast a time table to prepare for other permits such as: zoning, building, sanitation and well. I would be happy to assist with the wordage or proof of any modifications.

Currently, I have worked with the Department of Motor Vehicles, the Federal Bureau of Investigation and the Alcohol, Tobacco and Firearms Bureau who have all changed their forms to include either a "sign off" line, box to check for current zoning, or that a conditional use permit exists for the requested activity.

If you have any questions, please contact me to discuss this further. Thank you.

Sincerely,


Jeff Bluske
Director

Zoning Committee
Jerry Seubert, Administrative Coordinator
Attachment: Solin/Eveland Copy Judge Montabon Decision.

JB/ss

William A. Shepherd, Corporation Counsel
David L. Lange, Deputy Corporation Counsel
Megan L. DeVore, Assistant Corporation Counsel

Corporation Counsel

LA CROSSE COUNTY, WISCONSIN

400 4TH STREET NORTH • LA CROSSE, WISCONSIN 54601-3200



(608) 785-9577
FAX (608) 785-5689

December 10, 1998

Jeffrey Bluske, Director
La Crosse County Zoning & Land Information Department
La Crosse County Administrative Center
400 N. 4th Street
La Crosse, WI 54601

Re: Willow Creek Ranch

Dear Jeff:

Enclosed please find the Decision of the Court of Appeals affirming the trial court in these matters. What this means is that Willow Creek has lost both actions. The first action requested the trial court to declare that Willow Creek had a right to operate its game bird farm and that the Court should issue an injunction to bar the Town and County from interfering in the operation of the farm. This action was dismissed and now affirmed by this decision.

The second suit was a suit where Willow Creek requested damages caused by the interference by the Town and County. This suit was also dismissed by Judge Michael Mulroy and the Court of Appeals affirmed the trial court.

Willow Creek has 30 days to petition the Wisconsin Supreme Court to look at this case. If Willow Creek appeals within the 30 days, the County and the Town of Shelby would have the right to file an answer and the Supreme Court would then decide whether to take a look at the case. In the vast majority of cases, the Supreme Court declines to review the Decision of the Court of Appeals. Therefore, I believe that we need to wait the 30 days to see if they file a Petition for Review.

Very truly yours,

David L. Lange
DEPUTY CORPORATION COUNSEL

DLL/sll

Enclosure

CC: James Ehram, County Board Chair
Jerry Seubert, Administrative Coordinator

Tom Hauge - WM/4

Copies to
Tom Solin - LE/5
Sarah Hurley - AD/5
Tim Andryk
Jim Christenson

mz

RECEIVED

DEC 14 1998

**BUREAU OF
LEGAL SERVICES**

William A. Shepherd, Corporation Counsel
David L. Lange, Deputy Corporation Counsel
Megan L. DeVore, Assistant Corporation Counsel

Corporation Counsel

LA CROSSE COUNTY, WISCONSIN

400 4TH STREET NORTH • LA CROSSE, WISCONSIN 54601-3200



(608) 785-9577
FAX (608) 785-5689

December 10, 1998

Jessica Nelson
La Crosse County District Attorney's Office
333 Vine Street
La Crosse, WI 54601

Re: Willow Creek Ranch

Dear Jessica:

I am enclosing for your information a copy of the Decision in the Willow Creek case by the Wisconsin Court of Appeals, affirming the decision of the trial court which dismissed Willow Creek's claims. Therefore, the Court of Appeals has affirmed that Willow Creek does not have the right to operate the game bird farm on its property. I will keep you informed regarding any future developments such as whether a Petition for Review is filed with the Supreme Court. If you have any comments or questions, please let me know.

Very truly yours,

A handwritten signature in cursive script, appearing to read "D. Lange".

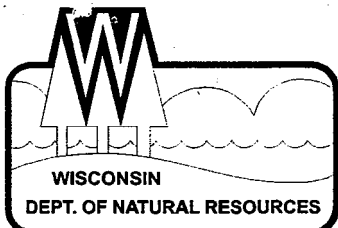
David L. Lange
DEPUTY CORPORATION COUNSEL

DLL/sll

Enclosure

CC: Jeff Bluske

#3



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

MAY 13

May 5, 1999

The Honorable Carol Roessler
Wisconsin Senate
P.O. Box 7882
Madison, WI 53707-7882

RE: L9542

Carol
Dear Senator Roessler:

Thank you for your letter regarding the issuance of Game Farm Licenses by the Department of Natural Resources

Game Bird and Animal Farm and Wildlife Exhibit licenses are issued in accordance with the provisions set forth in chapter 29 of the Wisconsin State Statutes. Currently there is not a provision within the statutes to allow the department to deny an application based on a local or county zoning requirement.

Thomas Solin, Chief of Special Operations for the Bureau of Law Enforcement conducts a final review of all applications for the department. Warden Solin acknowledges there is an increasing number of complaints from County Zoning Administrators reference the Department of Natural Resources licensing procedure.

To address this issue, last year the department modified the permit to include the following notice: **"IN ADDITION TO THIS LICENSE, THERE MAY ALSO BE A COUNTY OR LOCAL ZONING REQUIREMENT WITH WHICH THE LICENSEE MUST COMPLY. CONTACT YOUR LOCAL OR COUNTY LAND USE OR ZONING OFFICE FOR FUTHER INFORMATION."**
A copy of the license issued to Neal Stroh is attached and the notice is on the face of the Game Bird and Animal Farm License.

Jeff Bluske, Director of the La Crosse County Zoning and Land Information Office recommended the department adopt a procedure requiring a sign-off by the local zoning office prior to licensing by the department. Legal staff at the department advised statutes 29.861 and 29.867 would have to be revised before the department could adopt this procedure.

The department would support an amendment to the statutes requiring the applicant to certify they have received local approval for the type of business prior to applying for a Game Bird and Animal Farm and Wildlife Exhibit license.

Sincerely,

George
George E. Meyer
Secretary

Thank you for your letter

State of Wisconsin
Department of Natural Resources
P.O. Box 7924
Madison, WI 53707

GAME FARM LICENSE APPLICATION
Form 9400-292 Rev. 5-93

Note: Use of this form is required by the Department pursuant to s. 29.574, Wis. Stats., for any application for a game farm license. The Department will not consider your application unless you complete and submit this application form. Personally identifiable information on this form will be used for no other purposes.

1300 ✓

License Fee \$10.00
Signs 3.00 each

License expires December 31.

Please print or type

Applicant's Name <u>Neal A. STROH</u>	
Street or Route <u>N6263 Center Rd</u>	
City, State, Zip Code <u>BRANDON WI. 53919</u>	Daytime Telephone Number (Include Area Code) <u>414-872-5084</u>

Applicant hereby certifies that he/she is the ☒ Owner ☐ Lessee (Note: If Lessee, a copy of the lease must be attached.) of certain lands hereinafter described that he/she desires to have licensed for game bird and game animal farming purposes; and that he/she has not been convicted of any violation of the fish and game laws for a period of one year prior to the date of this application.

The Applicant further states that he/she believes such area is a proper one for the establishment of a game farm thereon and therefore does hereby apply to the State of Wisconsin Department of Natural Resources for a game and animal farm license, as provided under section 29.574, Wis. Stats., for the purpose of breeding, propagating, killing and selling the following named game birds and/or game animals.

Name species PHOENIX BEAR

(Check ☒ One)

☐ I intend to license _____ acres for the above purpose. Minimum of 80 acres - maximum 640 acres.

☒ For PENS only.

The game farm is to be located on the following described property, all within the boundaries of the State of Wisconsin. A sketch of property boundary or copy of the plat map must be attached if the license is to be for open acreage.

County <u>FOND DU LAC</u>	Township <u>SPRINGVALE</u>	Range <u>T19-15-15</u>	1/4 1/4 Section <u>14</u>
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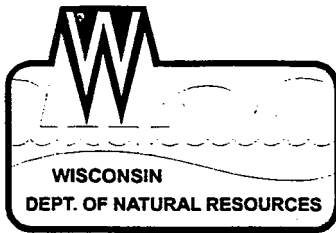
I hereby certify by my signature that I have reviewed and am familiar with the administrative rules and statutes applicable to the establishment and operation of a game farm. I understand I am required to maintain records documenting my game farm activities, that such records are subject to inspection by the Department, and I may have to submit such records to the Department.

Applicant's Signature Neal A. Stroh

Date Signed 9-11-97

FOR DEPARTMENT OF NATURAL RESOURCE USE			
<input type="checkbox"/> Approval ONLY		<input type="checkbox"/> Pens	
I recommend <input type="checkbox"/> Denial		for licensing said <input type="checkbox"/> Lands for the following species	
DNR Employee Name (Print)		Work Location	
Signature		Date Signed	
<input type="checkbox"/> Approval		<input type="checkbox"/> Denial	
Bureau of Law Enforcement		Signature	
		Date Signed	

next
9-17-97 4-8-98
L.E. 6-4-98



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

AUG 25 1999

August 20, 1999
Carol Roessler
P. O. Box 7882
Madison, WI 53707-7882

L9980

Leg Council

Carol
Subject: Issuance of Game Farm Licenses by the Department of Natural Resources

Dear Senator Roessler:

The Department understands the concerns raised by Mr. Badtke from the Town of Springvale. It is possible for the Department to advise applicants prior to licensing that there may also be a county or local zoning requirement with which the licensee must comply. But this can only be a notice and can be ignored as easily as the current notice on the license issued by the Department.

I agree that the earlier the notice the better but the statutes do not allow the Department to deny an application because of failure to comply with the local zoning regulations. As I noted in my earlier correspondences, Jeff Bluske, Director of the La Crosse County Zoning and Land Information Office, recommended the Department adopt a procedure requiring a sign-off by the local zoning office prior to licensing by the Department. Department legal staff determined statutes 29.861 and 29.867 would have to be revised before the Department could adopt this procedure.

The Department would support an amendment to the statutes requiring the applicant to certify they have received local approval for the type of business prior to applying for Game Bird and Animal Farm, Deer Farm, Shooting Preserve, Fur farm or Wildlife Exhibit licenses. Thomas Solin, Chief of Special Operations for the Bureau of Law Enforcement, will work with you to draft the appropriate language. Warden Solin completes a final review of all the captive wildlife license applications for the Department and is very familiar with the issue.

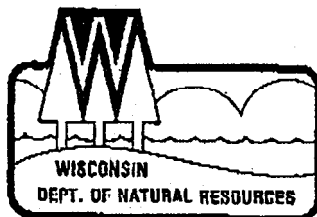
The Department feels strongly that state agencies and local governments should work together to ensure the proper zoning permits have been issued prior to the Department issuing a license to possess captive wildlife.

In reference to the Bear Pen, Warden Solin is arranging to have the facility re-inspected to ensure it meets the minimum pen standards. After the inspection he will contact Mr. Badtke on the status of the facility.

Sincerely,

George
George E. Meyer, Secretary

Thank you for your letter.

**State of Wisconsin | DEPARTMENT OF NATURAL RESOURCES**

Tommy G. Thompson, Governor
George E. Meyer, Secretary
William R. Selbig, Regional Director

Warden Thomas F. Rose
N4175 State Road 49
Brandon, Wisconsin 53919-9560
TELEPHONE: (920)346-5822

September 14, 1999

IN REPLY REFER TO: 4100

*9/30 sent ltr
to Dennis
Badtke*

Neal R Stroh
N6263 Center Road
Brandon, WI 53919

SUBJECT: Game Farm Inspection

Dear Mr. Stroh:

I am writing this letter as a follow up to an inspection of your Game Farm (Bear Pens). Myself and Tom Solin, Special Operations, inspected your pens on September 09, 1999. The inspection was in response to a complaint received from Town Chairman Badtke reference pen size, housing concerns, and zoning problems. This inspection addressed the pen size and housing concerns only.

We found that there were several concerns and they are as follows:

- (1) Guard Fence - You are required to have a guard fence around any pen that contains carnivorous animals (bear pen). Specifications for this fence can be found in NR 16.10 (10)(b).
- (2) There was an upside down metal container in the water container which makes it difficult to clean the water container. We didn't know if this was permanent or something that got knocked in there but if it is permanent it should be removed.
- (3) The water that was in the container was very dirty along with the container. Care should be taken to clean the container and fresh water provided for the animals daily.
- (4) The pens appeared quite dirty and should be cleaned daily.

The pen size met the requirements of NR 16.10 (11). In Mr. Badtke's letter he indicated that the bears were housed in an old dairy barn which is not the case.

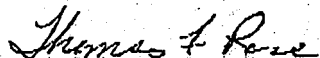
This letter is a notice to you that in order to bring your pens



into compliance with NR 16.10 (10)(b) you must erect a guard fence. As stated the specifications for a guard fence are found in NR 16.10(10)(b). You have 30 days from the date of this letter to complete the fence in order to comply with this regulation. Failure to comply will result in legal action.

I am enclosing a copy of NR 16 so that you have a copy for your files. If you have any questions please feel free to contact me at 920-346-5822.

Sincerely,



Thomas F. Rose
Conservation Warden

cc: Tom Solin Special Operations
Dennis E. Jones Warden Supervisor

Asbjornson, Karen

From: Solin, Thomas C
Sent: Monday, July 31, 2000 3:46 PM
To: Asbjornson, Karen
Subject: Places with bear or Cougar

I checked my list of wildlife exhibits with Bear or Cougar and came up with 30
There are just a few game farms with bear that are not wildlife exhibits.
Statewide I would estimate less than 50 people possess bear or cougar on a license issued by the DNR.

WILLES WILDLIFE ZOO INC W12599 SUNNY KNOLL BRANDON,WI 53919 FOND DU LAC CO 0.50 99

Thomas Solin

Supervisor, Special Operation Section
DNR
P.O. Box 7921, Madison, WI 53707
Office: 608-266-8574 Fax: 608-266-3696
solint@dnr.state.wi.us

JUL 07 1999

Dear Senator Roessler,

Thank you for your letter of May 27th, 1999 responding to the issue of the DNR issuing a game license in our Town. I have given serious thought to your letter, and hope this response may be helpful in dealing with this issue in the future.

First, I feel granting a Game Farm License is a Land Use issue. Similar to a Special Use Permit, or zoning change, which is granted by the Town Board. The balance of my comments are based upon this.

The existing Game Farm License application identified the "general" type of game of animals, but this is not specific. For example, the application by Mr. Neal Stroh identifies the type of game as "pheasants and bear" (I think he means bear...you can put that one in your next book!!!) Aside from the spelling, there are certain species of bear that could pose a danger, as they can become hostile. The application AND license both use the general term "bear". In my opinion, this is too vague.

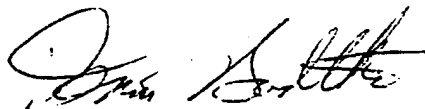
The location of the game farm is identified by section, township and range. This covers land the applicant does not even own!!! The DNR indicates that the exact legal description is on file, but based upon the information found on this application and license, I have some measure of doubt.

In Mr Meyer's letter, he indicated that the verbiage on the permit was changed suggesting the local authority be contacted to determine if there are any local requirements that must be met. NOTE that this is on the Permit or License, not on the application as I was expecting. Once the applicant has been granted a permit or license, do you think they are going to check with the Town Board? I contacted ALL the members of the Springvale Town Board. None were contacted. I would expect this type of statement would be on the application and the contact/approval granted PRIOR to the granting of a Game Farm License.

The License is renewed annually by sending in \$10.00 and completing a form. Does anyone inspect the facility on an annual basis to determine that the game is being housed properly??? In the case of the subject, the bear is housed in an old dairy barn. Is this adequate housing? I have no idea, but if the bear would escape from the barn and injure or kill someone, who is liable?

In summary, I feel this application and approval process was handled in a sloppy manner. There are several improvements that should be made, not the least of which is Town Board approval to be certain the game farm is being operated consistently with the local zoning regulations. I would welcome the opportunity to discuss this with you at your convenience.

Thank you for taking the time to read this letter, and I appreciate all your hard work in Madison. Keep it up!!!!

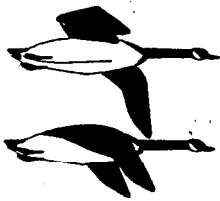
A handwritten signature in black ink, appearing to read "Dennis Badtke", with a stylized, cursive script.

Dennis Badtke

*Dennis and Bonna Badtke
N7062 Marchant Dr.
Rosendale, WI 54974*

REPRESENTATIVE CAROL OWENS

locust, bee



DEPARTMENT OF NATURAL RESOURCES
Customer Service and Licensing
Box 7924
Madison, WI 53707

General Information



GAME FARM, FUR FARM, DEER FARM AND WILDLIFE EXHIBIT LICENSES

IMPORTANT

Birds, animals or eggs must be obtained legally from a licensed game or fur farm. They CANNOT be taken from the wild. You must have a license BEFORE you possess or obtain any game birds or animals. Wisconsin law does not provide for the licensing of wild animals as pets.

GAME FARMS

A Game Farm license is required for the breeding, propagating, killing and selling of game birds or animals, such as pheasants, partridge, quail, grouse, rabbits, squirrels, wild turkeys, fox, bear, ducks, geese and swans. The fee for this license is \$10.00. Game Farm signs are \$3.00 each. The license is issued for "pens" or for "acreage". Game farm pen specifications are stated in Wisconsin Administrative Code, Section NR 16.10. The minimum requirement for acreage is 80 acres and may not be for more than 640 contiguous acres. A hunting license is not required for hunting on a game farm licensed for acreage. A Federal permit is required if waterfowl are disposed of or sold. Federal permits may be applied for at the following address:

U.S. Fish and Wildlife Service
Migratory Bird Permit Office
Federal Building, 1 Federal Dr.
P. O. Box 45
Fort Snelling MN 55111

A license is not required for possession of mallard ducks if they are from captive-reared stock and properly marked as specified within the Federal regulations. Game birds and animals must have a Game Farm tag attached if they are disposed of or sold. Live birds and animals must have a tag attached to the crate in which they are transported. Forms are provided so that an accurate record can be kept of every bird or animal that is bought or sold. Conservation wardens or department personnel may inspect these records and they must be kept for a period of two years after a license is cancelled.

Minimum pen specifications for pheasant are as follows:

- Not more than 2 adults or one pair and their offspring may be held together in one pen, unless additional space is provided.
- Floor - natural soil, well drained. Cover crops are recommended.
- Space - 20 sq. ft. - 4 sq. ft. for each additional bird. (example: 25 birds = 120 sq. ft.)
- Walls - 20 gauge woven wire, mesh no greater than 2 inches. Lower two feet - 16 gauge woven wire, mesh 1 inch.
- Height - 6 ft., including portion buried beneath ground (minimum 1 ft.)
- Top - 20 gauge woven wire or plastic mesh of 2 inches.
- Shelter - weatherproof with roof and three walls. (inside of pen)

FUR FARMS

A Fur Farm license is required for the following animals: raccoon, otter, muskrat, mink and beaver. The fee for this license is \$10.00. Signs are \$3.00. Eligibility for this license is based on the applicant's intent to breed, propagate, trap and deal in furbearing animals.

WILDLIFE EXHIBITS

A Wildlife Exhibit license is issued to applicants who intend to exhibit wild animals and use them for advertising purposes. The pens must be constructed according to the specifications outlined in the Wisconsin Administrative Code, Section NR 16.10. The fee for this license is \$10.00 and no signs are required. This license does not authorize the sale or propagation of wild animals.

DEER FARMS

A Deer Farm license is needed for possessing, breeding, propagating, killing and selling of deer. A hunting license is not required for hunting on a licensed deer farm of ten acres or more. Deer tags are required for transporting both live and dead deer. Signs are \$3.00. A Deer Farm License is needed for white-tailed deer and other deer species. The license fee is \$25.00 per year.

Deer Farm fence specifications are as follows: Minimum size: Not less than 1/2 acre.

Fence height: 7 ft. 10 inches woven wire.

Wood Posts - Length of 12 ft. Tops not less than 4 inches in diameter.

Steel or iron posts - length of 11 feet.

Post spacing - 12 feet (or less).

Wire (woven) mesh and gauge:

14 1/2 gauge, not larger than 36 sq. in. mesh opening.

12 1/2 gauge, not larger than 48 sq. in. mesh opening.

11 gauge or heavier, not larger than 48 sq. in. mesh opening.

Staples - Nine-gauge, one staple for each strand of wire.

LICENSE APPLICATION PROCEDURE

After you have submitted your application to the Madison office, a conservation warden or department representative will contact you and inspect your pens or property acreage. Upon approval, a license is issued. All these licenses expire on December 31 of each year. Renewal notices are automatically sent out. The renewal fee is \$10.00, except Deer Farms (\$25.00).

If you have questions, contact your local warden, game manager or call this office. 608-266-0862

State of Wisconsin
Department of Natural Resources
P.O. Box 7924
Madison, WI 53707

License Fee \$10.00
Signs 3.00 each
License expires December 31.

GAME FARM LICENSE APPLICATION

Form 9400-292

Rev. 12-98

Note: Use of this form is required by the Department pursuant to s. 29.867, Wis. Stats., for any application for a game farm license. The Department will not consider your application unless you complete and submit this application form. Information collected may be used for participation in surveys, eligibility for approvals, law enforcement (including child support and tax delinquency enforcement) purposes and other secondary purposes. The Department may also provide this information to requesters pursuant to Wisconsin's open records law, ss. 19.31 - 19.39, Wis. Stats.

In addition to this license/application, there may also be county or local zoning requirements with which the licensee must comply. Contact your local or county land use or zoning office for further information.

* A social security number or federal employer identification number is **REQUIRED** when applying for a license according to chapter 29, Wis. Stats., but it may not be disclosed to anyone except the Department of Workforce Development or the Department of Revenue.

Please print or type

Applicant's Name	
Street or Route	*Social Security Number/Federal Employer Identification Number
City, State, Zip Code	Daytime Telephone Number (Include Area Code)

Applicant hereby certifies that he/she is the ☐ Owner ☐ Lessee (Note: If Lessee, a copy of the lease must be attached.) of certain lands hereinafter described that he/she desires to have licensed for game bird and game animal farming purposes; and that he/she has not been convicted of any violation of the fish and game laws for a period of one year prior to the date of this application.

The Applicant further states that he/she believes such area is a proper one for the establishment of a game farm thereon and therefore does hereby apply to the State of Wisconsin Department of Natural Resources for a game bird and animal farm license, as provided under s. 29.867(2), Wis. Stats., for the purpose of breeding, propagating, killing and selling the following named game birds and/or game animals.

Name species _____

(Check ☒ One)

☐ I intend to license _____ acres for the above purpose. Minimum of 80 acres - maximum 640 acres.

☐ For PENS only.

The game farm is to be located on the following described property, all within the boundaries of the State of Wisconsin. A sketch of property boundary or copy of the plat map must be attached if the license is to be for open acreage.

County	Township	Range	1/4 1/4 Section
--------	----------	-------	-----------------

I hereby certify by my signature that I have reviewed and am familiar with the administrative rules and statutes applicable to the establishment and operation of a game farm. I understand I am required to maintain records documenting my game farm activities, that such records are subject to inspection by the Department, and I may have to submit such records to the Department.

Applicant's Signature _____ Date Signed _____

FOR DEPARTMENT OF NATURAL RESOURCE USE ONLY

☐ Approval ☐ Pens
I recommend ☐ Denial for licensing said ☐ Lands for the following species

DNR Employee Name (Print)

Work Location

Signature

Date Signed

☐ Approval
Bureau of Law Enforcement ☐ Denial

Signature

Date Signed

See the reverse side for a Notice of Appeal Rights.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin Statutes and Administrative Code establish time periods within which requests to review Department decisions must be filed. These time periods are as follows: for judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., you have 30 days after service of the decision to file your petition for review. Some Wisconsin Administrative Code sections provide for review of the Department decision pursuant to s. 227.42, Wis. Stats. Review should generally be sought within 30 days of the service of the decision.

The respondent in an action for judicial review is the Department of Natural Resources. You may wish to seek legal counsel to determine if any of the above time periods apply to this decision. This notice is provided pursuant to s. 227.48(2), Wis. Stats.

29.574 GAME BIRD AND ANIMAL FARMS. (1) The owner or lessee of any lands within the state suitable for the breeding and propagating of game, birds or animals as may be approved by the department shall have the right upon complying with this section, to establish, operate and maintain a game bird and animal farm for the purpose of breeding, propagating, killing and selling game birds and game animals on such lands, the acreage and size of which shall be determined by the department. All waterfowl bred, propagated or held on a game bird and animal farm licensed pursuant to this section shall be enclosed within a covered enclosure by the licensee throughout the open season for hunting waterfowl in the state when written or oral notice is given to the licensee by the department or its agents.

(2) Such owner or lessee desiring to establish, operate and maintain a game bird and animal farm in conformity with this section, shall file with the department a verified declaration, describing the lands which such applicant for a license desires to use for the purpose of breeding and propagating such game birds or animals and setting forth also the title and leasehold of the applicant and the number of acres embraced in said tract.

(3) Upon the filing of such declaration the department shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. It will be necessary for the licensee to purchase all wild game within the boundaries of the proposed farm of the species designated in the license, and to effect this purpose the department thereupon shall appoint one member, the applicant one member, and these 2 shall select a 3rd member, the 3 to act as a board to go upon the lands embraced within the proposed license and determine as near as possible the number of wild birds and animals of the desired species thereon at the time of the granting of the license. The necessary expenses of all of the members of such board shall be paid by the licensee. Within 30 days after the date of such determination as accepted by the department the licensee shall pay to the department a specified sum as may be determined by the department for those species of wild birds or wild animals on the lands that are desired for propagation purposes, the title of which rests in the state. If upon such examination it appears that the applicant is the owner or lessee of said lands, and the applicant intends in good faith to establish, operate and maintain a game bird and animal farm, the department shall issue a license to the applicant describing such lands, and certifying that the licensee is lawfully entitled to use the same for the breeding, propagating, killing and selling of such game birds and animals thereon according to this section. When such license has been granted, the licensee shall become the owner of all such game birds or animals thereon of the species licensed and of all of their offspring actually produced thereon and remaining thereon, subject however to the jurisdiction of the department over all game.

(3m) No game bird and animal farm license shall be issued after May 24, 1961, other than those already in operation for any area less than one-quarter mile from the exterior boundaries of an approved state or federal wildlife area, public hunting grounds or refuge which is managed in whole or in part for pheasants. All lands under one license shall be contiguous. This section shall not prohibit the licensing of game bird and animal farms within one-quarter mile of approved state or federal wildlife areas, public hunting grounds, or refuges provided such licensed farms are completely enclosed, including an enclosed top of woven wire with mesh not larger than 6 inches.

(3n) Within 30 days after the date of the issuance of any such license, the licensee shall erect posts or stakes at intervals of not more than 80 rods along the boundary of the land embraced in said license, wherever the same is not already enclosed, and shall post and maintain, upon said posts, stakes or other enclosure, notices proclaiming the establishment of a game bird and animal farm. Such notices shall be furnished by the department to the licensee at cost.

(5) Such license shall be prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named, his or its successors or assigns, for the term of the license, to establish and operate such a game bird and animal farm upon said premises, and

shall entitle the licensee therein named or his successors or assigns, to the exclusive right for and during said term to breed and propagate such game birds and animals thereon, and to the exclusive and sole ownership of any property in all such licensed game birds and animals caught or taken therefrom.

(6) (a) Such game birds and animals, except waterfowl, may be taken at any time in any manner by persons qualified under this chapter to hunt thereon. Waterfowl may only be taken pursuant to the rules promulgated by the department and in effect governing the hunting of waterfowl, except that upon written application the department may authorize the taking of hand-reared mallards at any time within the boundaries of a licensed game bird and animal farm in numbers not to exceed those liberated or propagated when it appears to the satisfaction of the department that only mallards liberated or propagated by the licensee will be taken on such farm. The applicant shall certify to the department that mallards liberated or propagated for shooting were produced and reared in captivity and are more than 2 generations removed from the wild. Hand-reared mallards shall not be released for shooting purposes unless such mallards have first been identified as the department directs. Mallards confined to wholly enclosed pens or buildings may be taken within such pens or buildings at any time and in any numbers. No such game bird or animal or mallards killed on such farm and no live game bird or animal or mallards to be consumed as food shall be removed therefrom until there has been securely fastened to each bird or animal a band or tag furnished by the department to the licensee at cost. Such band or tag shall remain attached to the bird or animal until prepared for consumption. Live birds and animals may be sold or transported. Each container carrying such live birds or animals shall have attached thereto a band or tag as set forth above. Live birds or animals acquired from the licensee to be consumed as food shall not be kept in a live condition by any person beyond 48 hours from the time such birds or animals were acquired from such licensee. Correct and complete book records of sales and purchases of live birds and animals disclosing the time and date of such sales and whether or not such live birds and animals were acquired to be consumed as food shall be kept by the licensee. Certified copies of such records shall be furnished by the licensee to the department on request, on forms furnished by the department.

(c) Whenever any such bird or animal shall be consumed for food, the tag attached to such bird or animal shall be kept in evidence until such bird or animal is consumed.

(6m) Notwithstanding any other provision of the statutes to the contrary, no person hunting upon a game bird and animal farm shall be required to hold a hunting license.

(7) Any person other than the licensee, his bona fide regular employees, or persons having permission from the licensee who shall hunt or shoot game birds or animals upon any lands described in any such license, shall be liable to the licensee in the sum of \$100, in addition to all damage which he may do to the farm or to the game birds or animals, and property thereon, but all actions for such trespass shall be brought by such licensee.

(8) Each licensee shall keep a correct and complete book record of licensed animals and birds as required by the department of natural resources on the forms furnished by the department. The licensed area and records may be inspected by the department or its wardens at any time. Copies of the records under oath shall be furnished to the department on request.

(9) Any person who violates this section shall forfeit not more than \$50.

HISTORY: 1975 c. 94 s. 91 (11); 1975 c. 199, 322, 365, 422; 1983 a. 27; 1985 a. 332 s. 251 (1).

Applicability of animal regulatory statutes to game farm operators discussed. 72 Atty. Gen. 43.

List the specifications of your pens and shelters (dens) for each species in the space below: (See s. NR 16.10(11), Wis. Adm. Code, for pen specifications. Licenses cannot be granted unless the pens and shelters are approved.

[illegible]

I hereby certify that the information contained on this form is true and correct.

Applicant's Signature

Date Signed _____

FOR DEPARTMENT OF NATURAL RESOURCE USE ONLY	
<input type="checkbox"/> Approval <input type="checkbox"/> Denial	I recommend _____ for the license.
_____	_____
DNR Employee Name (Print)	Work Location
_____	_____
Signature	Date Signed
_____	_____
<input type="checkbox"/> Approval <input type="checkbox"/> Denial	Bureau of Law Enforcement
_____	_____
Signature	Date Signed
_____	_____

29.585 WILDLIFE EXHIBIT LICENSES. (1) The department may grant licenses for wildlife exhibits which are defined as any place where one or more live wild animals are kept in captivity for the purpose of exhibition or for advertising purposes. The form of application and license shall be prescribed by the department.

(2) (a) The term "wild animal" as used in this section means any mammal, fish or bird of a wild nature as distinguished from domestic animals under the common law or under the Wisconsin statutes whether or not the mammal, fish or bird was bred or reared in captivity.

(b) "Wildlife exhibit" does not include the exhibition of any live wild animal by any educational institution, state department, public zoo, park or garden, circus or theatrical exhibition or any such exhibition sponsored by any organization with the approval of the department.

(3) No wildlife exhibition license shall be granted by the department until it is satisfied that the provisions for housing and caring for such wild animals and for protecting the public are proper and adequate and in accordance with the standards therefor established by the department.

(4) The department shall adopt and enforce rules and regulations for the housing, care, treatment, feeding and sanitation of wild animals kept in wildlife exhibits and for the protection of the public from injury by such wild animals.

(5) No person may keep any live wild animal in captivity for the purpose of exhibition or for advertising purposes or have any wild animal in his or her custody or under his or her control for such purpose, unless a wildlife exhibit license is issued to the person by the department. A wildlife exhibit license is required in addition to any game bird and animal farm, deer farm or fur farm license required for the possession, breeding, propagating or dealing of these wild animals if these farms are wildlife exhibits as defined under sub. (1).

(6) Each licensee shall file an annual, verified report with the department within 30 days after the expiration of such license containing such information on the operation of the wildlife exhibit as the department may require and on forms furnished by the department.

HISTORY: 1979 c. 142; 1983 a. 27.

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES
P. O. BOX 7024
MADISON WI 53707**

Wisconsin Administrative Code - Section 16.10

WILDLIFE EXHIBITS

NR 16.10 Wildlife Exhibits. (1) APPLICATION. This section applies to wildlife exhibits and wildlife exhibit licenses provided in s. 29.585, Stats.

(3) APPLICATION FOR LICENSE. Application for wildlife exhibit licenses shall be on forms prepared and furnished by the secretary and shall show:

- (a) The name and address of the applicant.
- (b) The location of the proposed exhibit, including a legal description of the land and the approximate area devoted to the entire exhibit. Traveling exhibits shall include their itinerary and dates of exhibition.
- (c) The species and number of wild animals to be exhibited.
- (d) The source from which wild animals are to be obtained. If already in possession, include the license number under which they are possessed.
- (e) Specifications of the pens and shelters provided for each kind of wild animal.

(4) TRAVELING WILDLIFE EXHIBITS. Application for traveling wildlife exhibits having pen specifications that do not comply with the minimums required in sub.(11) may be approved by the secretary provided all other rules of wildlife exhibits are complied with.

(5) STOCK TO BE LEGALLY OBTAINED. All animals and birds retained in a wildlife exhibit shall have been obtained in a lawful manner. Evidence of lawful possession, such as the receipted invoice, bill of lading or similar evidence of the source from which any wild animal was obtained, shall be presented for inspection to any department officer upon request. All wild animals covered by license shall be made available for inspection upon demand of the department officer.

(6) DISPLAY OF LICENSE. Any person to whom a license for wildlife exhibit is issued shall publicly display such license at the place the exhibit is kept.

(7) LABELS. Each pen shall be labeled for the information of the public with the proper common name, in English, of the wild animals therein confined.

(8) FEEDING. (a) Regular feeding schedules for such wild animals shall be maintained by the licensee and the rations supplied shall be adequate to maintain proper strength and healthy appearance in such animals and, so far as possible, consistent with the food which is ordinarily eaten by such animals in a wild state.

(b) Fresh water shall be kept in pens by the licensee at all times, unless removed for sanitary reasons when it shall be supplied at intervals of not over 4 hours from sunrise to sunset. Drinking fountains and other receptacles shall be kept clean and in a sanitary condition. Proper signs shall be conspicuously posted on pens and enclosures requesting the public to refrain from annoying the animals or feeding them unless specified foods are provided for this purpose.

(9) TREATMENT AND SANITATION. (a) All animals so retained shall be handled in a humane manner and kept free, as far as possible, from parasites, sickness or disease and when afflicted or unsightly shall be removed from public display by the owner and given proper medical attention or be destroyed in a humane manner.

(c) All pens shall be cleaned daily and said pens and their surroundings shall be kept in a sanitary and attractive condition, free

from offensive odors. All dens or shelter boxes shall have a ventilator and shall be vented in such manner as to prevent a draft.

(d) The wildlife exhibit shall have no paper, cartons, tin cans, bottles, garbage of any kind, animal excrement or other debris within 100 feet of any pen unless the same shall be contained in a suitable metal garbage container with cover, the contents of which shall be emptied and taken away daily.

(10) PENS AND HOUSING. (a) All wild animals held in captivity in wildlife exhibits shall be confined at all times in pens of such strength and type of construction that it will be impossible for said animals to escape and at no time shall animals be chained or otherwise tethered to stakes, posts, trees, buildings, or other anchorage.

(b) All pens confining carnivorous animals and such other animals that may be a hazard to public safety shall be surrounded on the side or sides where the public may approach them by substantial guard rails not less than 36" in height. Such guard rails shall be well supported and fully enclosed with 36" woven wire stock fencing and shall be erected not less than 4 feet from the pens in which the animals are confined. Such pens, guard rails and fencing shall be kept in good repair at all times and all gates and doors shall be kept securely locked.

(c) All such pens shall be provided with rainproof dens, nest boxes, shelters and bedding of sufficient size and quantity to protect the animals kept therein from inclement weather or the direct rays of the sun.

(11) MINIMUM PEN SPECIFICATIONS. Pens shall be constructed to comply with the following minimum specifications unless and exception is granted pursuant to sub. (12).

(a) *Deer of any species.* 1. Not more than 3 deer may be held together in one pen unless additional space is provided.

2. Deer farm licensee may exhibit not to exceed 4 fawn deer not confined in any manner from June 1 to the opening date of the bow and arrow season for deer in that county, provided that such fawn deer have been first ear tagged by the department with tags furnished free of charge.

3. Floor. Natural soil, well drained.

4. Space. a. 400 sq. ft.

b. 100 sq. ft. for each additional animal.

5. Fencing. Deer farm fence specification shall be required.

6. Height. Deer farm height specification shall be required.

7. Shelter. Weatherproof shelter with roof and 3 walls and floor space of 24 square feet per animal shall be provided.

(b) *Buffalo, elk, moose and similar animals.* 1. Fenced area.

a. Deer farm fence specifications NR 16.01 shall be required except the minimum fence height for buffalo shall be 5 feet.

b. The "safety fence" defined in sub. (10) (b) shall be constructed where needed or in lieu thereof may be constructed inside the enclosure of sufficient strength and design to carry out the purpose and intent of such "safety fence."

2. The use of "rubbing posts" for the well-being of these animals is recommended. Wooden posts 7 feet long and 10 inches or more in diameter set in the ground to a depth of 4 feet with 3 feet exposed. Posts may be placed singly in a group of 3 in a triangle 6 feet apart.

(c) *Bear and cougar.* 1. No more than 2 adults and their offspring of the year may be held together in one pen. Pen must be enclosed completely, including a top.

2. Floor. Concrete 4 inches thick.

3. Space. 200 sq. ft. for one animal; an additional 100 sq. ft. for two animals and their young of the year.

4. Framework for the walls and top. 2-inch iron pipe or 2-inch x 2-inch angle iron with all upright members set 2 feet deep in concrete.

5. Walls. 9-gauge fencing with mesh no greater than 2-inch diameter, fastened at the bottom at each 4-inch interval to horizontal crossbar, 1-inch x 3/8 inch in cross section, welded at the ends to the vertical framework of the pen; or vertical steel bars or

rods of 1/2-inch diameter, spaced no greater than 2 inches apart, set 4 inches deep in concrete, and having at every 36-inch interval above the floor a horizontal crossbar, 1-inch x 3/8-inch cross section welded to each vertical bar; or 3 walls may be of cement block, stone or concrete construction.

6. Height. a. Bear - 6 ft.

b. Cougar - 10 ft.

7. Top. Materials: Concrete, stone, cement block, or 9-gauge fencing.

8. Perches. A minimum of two perches measuring 2 ft. x 5 ft. should be provided for each cougar.

9. Shelter. - Concrete, stone or cement block, inside dimensions 4 ft. x 6 ft. x 4 ft. high. Den shall be built outside of pen with gate to lock animal, either in or out of den, to permit cleaning and handling.

(d) *Timber wolf and coyote*. 1. Not more than 2 adults, and these must be of the same species, or one pair and their offspring of the year, may be held together in one pen. The pen as required herein must have an escape-proof top completely enclosed; however, additional but not required exercise yards do not require enclosed tops.

2. Floor: Concrete, 4 inches thick. Additional exercise yard may be provided on natural soil, well drained.

3. Space. a. Timber wolf: 300 sq. ft.

b. Coyote: 144 sq. ft.

c. Provided by rectangular or circular fence structure.

4. Walls. a. Timber wolf: 9-gauge chainlink fence with mesh no greater than 2 inches.

b. Coyote: 14-gauge woven or welded wire with mesh no greater than 1 inch x 2 inches.

c. Additional exercise yards must be constructed of the same wall materials. Bottom of the wall to extend 6 inches beneath ground surface connecting to a 3-foot width of 12-gauge woven or welded wire which shall extend parallel and beneath the ground surface toward the inside of the pen.

5. Height. a. Top enclosed - 6 ft.

b. Top not enclosed - 9 ft.

6. Top. 14-gauge woven or welded wire with mesh no greater than 2 inches.

7. Shelter. Weatherproof den box, wood, concrete, stone or cement block, inside dimensions 4 ft. x 6 ft. x 4 ft. high for timber wolf and 3 ft. x 4 ft. x 3 ft. high for coyote.

(e) *Bobcat (wildcat) and lynx*. 1. Not more than 2 adults, and these must be of the same species, or one pair and their offspring may be held together in one pen. Pen must have escape-proof top completely enclosed.

2. Floor. Concrete 4 inches thick.

3. Space. 144 sq. ft. with circular construction recommended.

4. Walls and top. 12-gauge woven or welded wire with mesh no greater than 2 inches.

5. Height. 10 ft.

6. Shelter. Weatherproof den box, wood, concrete, stone or cement block, inside dimensions 3 ft. x 4 ft. x 3 ft.

7. Perches. A minimum of 2 perches measuring 1 ft. x 2 ft. should be provided for each animal.

(f) *Red fox, gray fox or mutations fisher and pine martin*. 1. Not more than 2 adults, and these must be of the same species, and their offspring of the year, may be held together in one pen unless additional space is provided. Pen must be enclosed completely, including a top.

2. Floor. Concrete 4 inches thick, or gravel or sand 4 inches deep with 16-gauge wire mesh base, or raised floor of 16-gauge fur farm netting with hexagonal mesh no greater than 1 inch. Raised floor shall include a board runway 1 inch x 6 inches the length of the pen.

3. Space. a. Concrete gravel or sand floor. 1) 120 sq. ft.

2) 8 sq. ft. each additional animal.

b. Raised floor. 1) 50 sq. ft.

2) 4 sq. ft. each additional animal.

c. Circular construction recommended.

4. Walls and top. Material: 16-gauge fur farm netting with mesh no greater than 1 inch.

5. Height. a. Concrete gravel or sand floor - 6 ft.

b. Raised floor - 3 ft.

6. Shelter. Weatherproof den box 2 ft. x 3 ft. x 2 ft. high.

(g) *Opossum, porcupine, raccoon, skunk and woodchuck*. 1. Not more than 3 adults, and these must be of the same species, or one pair and their offspring of the year, may be held together in one pen unless additional space is provided.

2. Floor. Concrete 4 inches thick, gravel or sand 4 inches deep with 16-gauge wire mesh base, or raised 16-gauge fur farm netting with mesh no greater than 1 inch.

3. Space. a. Concrete, gravel or sand floor. 1) 30 sq. ft.

2) 10 sq. ft. for each additional animal.

b. Raised floor - 20 sq. ft.

c. Circular construction recommended.

4. Walls. 16-gauge fur farm netting with mesh no greater than 1 inch, built with metal frames.

5. Height. a. Concrete, gravel or sand floor - 6 ft.

b. Raised floor - 3 ft.

6. Top. Same as walls, completely enclosed or top 2 ft. of walls with sheet metal or other nonclimbing material.

7. Shelter. Weatherproof den box 2 ft. x 3 ft. x 2 ft. high.

(h) *Beaver and otter*. 1. Not more than 2 adults, and these must be of the same species, and their offspring of the year, may be held together in one pen unless additional space is provided. Pen must have escape-proof top either completely enclosed or have the top 2 feet of the walls covered with sheet metal or other nonclimbing material.

2. Floor. The floor must be constructed containing a water trough 6 ft. long, 2 ft. deep and 4 ft. wide at top, with top of trough at floor level and drain at bottom.

3. Material. Concrete 4 inches thick.

4. Space. a. 100 sq. ft.

b. 10 sq. ft. for each additional animal.

5. Walls. Material: 14-gauge woven or welded fence or netting, with mesh no greater than 1 inch x 2 inches.

6. Height. 6 ft.

7. Shelter. Weatherproof den box 2 ft. x 3 ft. x 2 ft. high.

8. **Water supply.** Water shall be drained at frequent intervals to provide clean and sanitary conditions.

(i) **Badger.** 1. Not more than 3 adults or one pair and their offspring of the year may be held together in one pen unless additional space is provided. Pen must have escape proof top either completely enclosed or have the top 2 feet of the walls covered with sheet metal or other nonclimbing material.

2. **Floor.** Material: Concrete 4 inches thick.

3. **Space.** a. 100 sq. ft.

b. 6 sq. ft. for each additional animal.

4. **Walls and top.** 14-gauge woven or welded fence or netting, with mesh no greater than 1 inch, built with metal frames using 1-inch pipe or 2 inch x 2 inch angle iron.

5. **Shelter.** Weatherproof den box 2 ft. x 3 ft. x 2 ft. high.

(j) **Weasel, mink, and muskrats.** 1. Weasel and muskrat: Not more than 3 adults or one pair and their offspring of the year may be held together in one pen unless additional space is provided. Pen must have escape-proof top either completely enclosed or have the top 2 feet of the walls covered with sheet metal or other nonclimbing material.

2. **Mink:** Only one animal per pen. Pen must have escape-proof top.

3. **Floor.** Material: 4-inch concrete or a raised floor using hardware cloth with mesh no greater than 1/2 inch.

4. **Space.** a. Weasel and muskrat: 15 sq. ft., 5 sq. ft. for each additional animal.

b. Mink: 6 sq. ft.

5. **Walls and top.** Material: hardware cloth with mesh not greater than: a. 1/2 inch for weasel.

b. 1-inch for mink and muskrat.

6. **Shelter.** Weatherproof den box 1 ft. sq.

(k) **Rabbits and hares.** 1. Not more than one pair and their offspring of the year may be held together in one pen unless additional space is provided. Pen must be completely enclosed, including a top.

2. **Floor.** A raised floor is to be used. 16-gauge fur farm netting with mesh no greater than 1/2 inch.

3. **Space.** a. 20 sq. ft.

b. 3 sq. ft. for each additional animal.

4. **Walls and top.** 18-gauge fur farm netting or hardware cloth, with mesh no greater than 1/2 inch.

5. **Height.** 3 ft.

6. **Shelter.** Weatherproof den box, 1 ft. x 1 1/2 ft. x 1 ft. high.

(l) **Tree squirrels, ground squirrels and chipmunks.** 1. Not more than 3 individuals, or one pair and their offspring of the year, may be held together in one pen unless additional space is provided. Pen must have escape-proof top either completely enclosed or have the top 2 feet of the walls covered with sheet metal or other nonclimbing material.

2. **Floor.** Material: Dirt, gravel or concrete 4 inches thick, or raised floor using hardware cloth with mesh no greater than 1/2 inch.

3. **Space.** a. 16 sq. ft.

b. 3 sq. ft. for each additional animal.

4. **Walls and top.** 18-gauge fur farm netting with mesh no greater than 1 inch or hardware cloth with mesh not greater than 1/2 inch.

5. Height. 4 ft.

6. Shelter. Weatherproof den box, 1 ft. sq.

(m) *Waterfowl*. 1. Not more than 2 pairs of adults or one pair and their offspring of the year may be held together in one pen unless additional space is provided.

2. Floor. Natural soil, well drained.

3. Space. a. Ducks. 1) 24 sq. ft. 2) 4 sq. ft. for each additional bird.

b. Geese or brant. 1) 120 sq. ft.

2) 8 sq. ft. for each additional bird.

c. Swans. 1) 130 sq. ft. 2) 12 sq. ft. for each additional bird.

4. Walls. 20-gauge woven wire with mesh no greater than 2 inches.

5. Height. 6 ft. including portion which may be buried beneath ground surface.

6. Top. 20-gauge woven wire or plastic with mesh no greater than 2 inches.

7. Shelter. Weatherproof shelter with roof and 3 walls and floor space of 8 sq. ft. per pair of birds in pen, or a lean-to furnishing equivalent space and protection.

8. Water supply. Pens shall be provided with an adequate and constant water supply easily accessible to the waterfowl and cleaned and drained daily.

(n) *Pheasants and ruffed grouse*. 1. Not more than 2 adults or one pair and their offspring may be held in one pen unless additional space is provided. Pen must have top completely enclosed.

2. Floor. a. Natural soil, well drained.

b. Cover crops consisting of dwarf-essex rape, dwarf sunflower, grain sorghum or similar types are recommended for pheasant rearing.

3. Space. a. 20 sq. ft. b. 4 sq. ft. for each additional bird.

4. Walls. 20-gauge woven wire with mesh no greater than 2 inches, the lower 2 ft. of which shall be 16-gauge woven wire with mesh no greater than 1 inch.

5. Height. 6 ft. including portion which may be buried beneath ground surface.

6. Top. 20-gauge woven wire or plastic with mesh no greater than 2 inches.

7. Shelter. Weatherproof shelter with roof and 3 walls and floor space of 8 sq. ft. per pair of birds in pen or a lean-to furnishing equivalent space and protection.

(o) *Quail, chukar partridge and Hungarian partridge*. 1. Not more than 2 adults or one pair and their offspring may be held together in one pen unless additional space is provided. Pen must have top completely enclosed.

2. Floor. Wire, wood, concrete or natural soil, well drained or raised floor constructed with 1/2-inch hardware cloth, 3 feet above ground surface.

3. Space. a. 3 sq. ft.

b. One sq. ft. for each additional bird.

4. Walls and top. 20-gauge woven wire with mesh no greater than one inch.

5. Shelter. Weatherproof shelter with roof and 3 sides, 2 ft. x 3 ft. x 3 ft. high or a lean-to furnishing equivalent space and protection.

(p) *Turkeys and peafowl*. 1. Not more than 2 pairs of adults, or one pair and their offspring of the year may be held together in one pen unless additional space is provided. Top shall be completely enclosed.

2. Floor. Natural soil, well drained.

3. Space. a. 100 sq. ft.

b. 8 sq. ft. for each additional bird.

4. Walls and top. 18-gauge woven wire with mesh not greater than 2 inches.

5. Shelter. A weatherproof shelter with a roof and 3 sides.

(q) *Eagles, hawks, falcons and owls*. 1. Not more than 2 adults or one pair and their offspring of the year may be held together in one pen. Pen must have escape-proof top.

2. Floor. 2 inches of pea gravel, well drained.

3. Space. a. Hawks, falcons and owls - 250 sq. ft.

b. Eagles - 400 sq. ft.

c. Circular construction recommended.

4. Walls. A minimum of 2 walls shall be constructed of wood. The remainder shall consist of vertical bars spaced narrower than the width of the bird's body completely covered on the outside by 20-gauge woven or welded wire with mesh no greater than one inch or 18-gauge welded wire fabric with mesh no greater than one inch.

5. Height. a. Hawks, falcons and owls - 8 ft.

b. Eagles - 12 ft.

6. Top. Wood or 18-gauge welded wire fabric with mesh no greater than one inch or combination of wood and wire. Wire construction requires additional woven nylon netting with mesh no greater than one inch installed a minimum of 7 inches below and parallel to the wire surface.

7. Water supply. Fresh water shall be provided daily. A minimum of one suitable container for each bird, 2 to 6 inches deep and wider than the length of the bird shall be required.

8. Perches. a. Falcons - A minimum of one shelf-type perch, one foot wide and covered with artificial turf or similar materials.

b. Hawks, owls and eagles - A minimum of 2 perches shall be required for each bird consisting of a tree limb which shall be covered with natural bark or hemp rope. The diameter of the covered perch shall conform to the bird's foot.

9. Marking. (a) Raptors held under a permit shall wear a numbered non-reusable marker supplied by the fish and wildlife service.

(b) The marker must be attached to the raptor immediately upon acquisition.

(c) It shall be unlawful to alter, counterfeit or deface a marker except that permittees may remove the rear tab on marker and may smooth any imperfect surface provided the integrity of the marker and numbering are not affected.

10. It is recommended that beaks and talons be inspected and filed down as necessary each month.

11. It is recommended that foot health and overall body condition be inspected at frequent intervals.

12. It is recommended that partitions to provide escape from public view be provided.

(r) *Other birds or animals*. 1. Not more than 5 adults, or 1 pair and their offspring of the year may be held together in one pen, unless additional space is provided.

2. Floor. Natural soil or 4 inches of gravel or sand, well drained.

3. Space. a. 100 sq. ft. b. 10 sq. ft. for each additional animal.

4. Walls and top. 20-gauge woven wire with mesh no greater than 1 inch. Top completely enclosed. A board shelter 18 inches high shall be built around the bottom sides of the pen to prevent current draft.

5. Shelter. Weatherproof shelter house shall have a top and 3 sides, 2 ft. x 3 ft. x 3 ft. high.

(12) GENERAL EXCEPTION. The use of other materials or variation in pen or fence construction other than specified in this section shall be submitted to the secretary and may be permitted if found to comply with the intent and purpose of these rules.

(13) EXCEPTION. When wild animals are to be exhibited within a fenced area comprised of 40 acres or more and having adequate facilities for vehicular traffic, the pen and safety fence requirements contained in subs. (10) and (11) may be waived by the secretary if the following conditions are met:

(a) The outside fence meets the applicable requirements of s. NR 16.10.

(b) Vehicles are restricted to traveling on a well-defined roadway;

(c) Viewers are confined to and remain in cars, trucks or similarly enclosed vehicles;

(d) The doors and windows of viewers' vehicles remain closed at all times when the vehicles are within the enclosure;

(e) Viewers are prohibited from feeding the animals;

(f) A speed limit of 10 miles per hour or less is established within the enclosed area;

(g) The licensee has a safe procedure for removing vehicles which have broken down from the enclosure;

(h) The licensee maintains adequate liability insurance naming the department and its employees as an additional named insured.

The licensee shall be required to post notices and verbally inform viewers of conditions pars. (b) through (g) and to enforce these conditions within the enclosed area. Failure by the licensee to meet and enforce any one of these conditions shall be sufficient cause for revocation of the wildlife exhibit license.



Carol Roessler
STATE SENATOR

May 1, 2000

Secretary George Meyer
Department of Natural Resources
P.O. Box 7921
Madison, WI 53707

Dear Secretary Meyer:

I am writing to you regarding an issue I brought to your attention last year.

I would like to contact the person in your department that can work with me to draft legislation for next session. I would like to require game farm owners, who are registering certain species of animals, to get prior approval from local zoning authorities. The legislation would require local approval or checkoff for certain species of animals that pose a higher safety issue to communities. Please have the person in your department that would handle this issue contact my staff Karen Asbjornson at 266-5300.

I look forward to hearing from your department. I appreciate your assistance.

Sincerely,

CAROL ROESSLER
State Senator
18th District

CR:kla\dnr-badtke3

cc: Dennis Badtke

* Dennis Badtke

2/3 left msg
for him to call

Asbjornson, Karen

From: Solin, Thomas C
Sent: Monday, January 31, 2000 5:12 PM
To: Asbjornson, Karen
Subject: RE: Re: My question via Larry

your thoughts?

Bear and Cougar are the two animals that generate the largest number of complaints. But Bobcat and Lynx can also be an issue.

I feel that a very simple requirement that the DNR can not issue any permits for the possession of live Bear, Cougar, Bobcats or Canada Lynx without the applicant providing proof that they are properly zoned for possession of that species of animal.

With this requirement in place the department would develop a form that the applicant would have to take to their local zoning office for sign off prior to the department processing the application.

From: Asbjornson, Karen
Sent: Monday, January 31, 2000 2:53 PM
To: Solin, Thomas C
Subject: Re: My question via Larry

Hi Tom,

It must be Monday, I should have thought of your name. You and I talked about the bear game farm issue in Senator Roessler's district last year. On that note, she asked that I follow-up with you to see if you could offer some drafting comments/instructions. Since I talked to you, we have contacted Rep. Johnsrud's office via letter and numerous emails with no response. Senator Roessler would like draft language to change the game farm license application to read prior local zoning approval is needed for bear permits. Also, is there any other species of animals that are an immediate safety issue if they were able to get out of their cages that should be included? Let me know your thoughts. Thanks!

Karen Asbjornson
Office of Senator Roessler
Karen.Asbjornson@legis.state.wi.us

Bear and Cougar are the two animals that generate the largest number of complaints. But Bobcat and Lynx can also be an issue.

I feel that a very simple requirement that the DNR can not issue any permits for the possession of live Bear, Cougar, Bobcats or Canada Lynx without the applicant providing proof that they are properly zoned for possession of that species of animal.

With this requirement in place the department would develop a form that the applicant would have to take to their local zoning office for sign off prior to the department processing the application.

- Safety
- Zoning issues
- OK w/ local permits
- front end - back end

"quality of life"
- conditions

Asbjornson, Karen

From: Solin, Thomas C
Sent: Thursday, September 30, 1999 4:02 PM
To: Asbjornson, Karen
Cc: Hurley, Sarah S
Subject: RE: Re: Issuance of Game Farm Licenses

Sorry for the delay I have several investigations going on that are taking up a lot my time.

The captive wildlife legislation has so many issues going on thinks do get bogged down pretty easy.

I will ask Sarah Hurley to respond on who you could speak with from the industry. There are several organized groups.

What would be best for the DNR would be a requirement for the person applying for a game farm, deer farm, shooting preserve, wildlife exhibit or fur farm license to present with their application an affidavit signed by the local zoning representative verifying they are properly zoned for the activity they making application for.

DNR renews the license each year, The licensee receives a renewal form they fill it out and send in a renewal fee. Renewals are automatic unless we place a hold notice in their file (seldom happens). I think the zoning people would only have to be involved in the original application. The zoning office could contact the DNR and place a none renewal request in the file to prevent renewal at the end of the year.

I do agree there is a large difference between pheasants in pens and larger mammals in pens or acreage game farms were people come into hunt seven days a week. We can easily define the distinctions which would make the legislation much more palatable.

I do have a copy of the letter to Neal Stroh owner of the bear.

From: Asbjornson, Karen
Sent: Sunday, September 19, 1999 3:36 PM
To: Solin, Thomas C
Subject: Re: Issuance of Game Farm Licenses

Hi Warden Solin,

I am contacting you in regards to a response letter Senator Carol Roessler received from Sec. Meyer.

Senator Roessler is interested in pursuing language to change the application process for "game farm" licenses to include that applicants certify they have received local zoning approval before DNR would grant their permit. After talking with Representative Johnsrud's office, I understand similar language was included in the captive wildlife legislation last session, but was taken out due to game bird farms objecting to this added hurdle. Is there a name of someone you could recommend for me to contact on the game bird lobbying side? I would like to talk/or hear from you further on this issue.

I also need more background on these actual permits. Do you have to apply each year for a permit and be screened or is it one time screening and then just a renewal fee? Would local zoning people or town officials have to approve these yearly? Also which language would be better to have: 1) language in the application suggesting they seek zoning approval 2) requiring them to get approval before going to the DNR 3) Or just showing DNR they notified their local authorities in writing? I am sorry for the 20 questions, I just want to make sure we look at all angles of the issue.

On one hand, I think this is a good public policy because of the recent issues raised by Mr. Badtke. However, I need

further information to see why small pheasants farms would need town approval.

Also, did you call the office on Thursday with an update on the inspection of the bear farm Mr. Badtke contacted us about?. Someone from DNR called while I was out of the office and I believe said they would fax us a letter. I got the feeling the letter was written and would be faxed that day - ? Please advise if you know anything about this or who I might contact for further information.

I look forward to hearing from you and working with you on this issue. You can reach me via email or at toll-free 1-888-736-8720 (or if in Madison 266-5300). Thanks!

SENATOR CAROL ROESSLER

EIGHTEENTH SENATE DISTRICT
P.O. BOX 7882 • MADISON, WI 53707-7882
TOLL-FREE 1-888-736-8720



REPRESENTATIVE CAROL OWENS

FIFTY-THIRD ASSEMBLY DISTRICT
P.O. BOX 8953 • MADISON, WI 53708-8953
TOLL-FREE 1-888-534-0053

July 16, 1999

Secretary George Meyer
Department of Natural Resources
P.O. Box 7921
Madison, WI 53707

Dear Secretary Meyer:

We are writing to you again in regards to requiring game farm license applicants to contact their local authority to assure they will be operating their game farm consistent with local zoning regulations.

Enclosed is the letter we received from Mr. Badtke, Town of Springvale, in response to your letter. Mr. Badtke has concerns that the verbiage urging applicants to obtain local zoning approval is not on the application, but on the permit or license. We agree with Mr. Badtke that the language for zoning approval should be included on the application materials. We also agree that it is very unlikely someone would contact their local municipality for zoning approval if they have the permit in hand.

Mr. Badtke also makes the point that the game farm license application does not require specific types of animals (ex. different species of bears). In addition, Mr. Badtke would like to know if anyone inspects the facilities on an annual basis.

We look forward to hearing your thoughts on putting verbiage on the application rather than the permit to get approval from local zoning authority, the specificity of animals on the application and if these facilities are inspected.

If you need further information, please do not hesitate to contact either of our offices. We appreciate your assistance and await your response.

Sincerely,

Handwritten signature of Carol Roessler in cursive.

CAROL ROESSLER
State Senator
18th District

Handwritten signature of Carol Owens in cursive.

CAROL OWENS
State Representative
53rd District

CR:kla\dnr-badtke.ltr

cc: Dennis Badtke

A handwritten checkmark in the bottom right corner of the page.

JUL 07 1999

KA

Dear Senator Roessler,

Thank you for your letter of May 27th, 1999 responding to the issue of the DNR issuing a game license in our Town. I have given serious thought to your letter, and hope this response may be helpful in dealing with this issue in the future.

First, I feel granting a Game Farm License is a Land Use issue. Similar to a Special Use Permit, or zoning change, which is granted by the Town Board. The balance of my comments are based upon this.

The existing Game Farm License application identified the "general" type of game of animals, but this is not specific. For example, the application by Mr. Neal Stroh identifies the type of game as "pheasants and bear" (I think he means bear...you can put that one in your next book!!!) Aside from the spelling, there are certain species of bear that could pose a danger, as they can become hostile. The application AND license both use the general term "bear". In my opinion, this is too vague.

The location of the game farm is identified by section, township and range. This covers land the applicant does not even own!!! The DNR indicates that the exact legal description is on file, but based upon the information found on this application and license, I have some measure of doubt.

In Mr Meyer's letter, he indicated that the verbiage on the permit was changed suggesting the local authority be contacted to determine if there are any local requirements that must be met. NOTE that this is on the Permit or License, not on the application as I was expecting. Once the applicant has been granted a permit or license, do you think they are going to check with the Town Board? I contacted ALL the members of the Springvale Town Board. None were contacted. I would expect this type of statement would be on the application and the contact/approval granted PRIOR to the granting of a Game Farm License.

The License is renewed annually by sending in \$10.00 and completing a form. Does anyone inspect the facility on an annual basis to determine that the game is being housed properly??? In the case of the subject, the bear is housed in an old dairy barn. Is this adequate housing? I have no idea, but if the bear would escape from the barn and injure or kill someone, who is liable?

In summary, I feel this application and approval process was handled in a sloppy manner. There are several improvements that should be made, not the least of which is Town Board approval to be certain the game farm is being operated consistently with the local zoning regulations. I would welcome the opportunity to discuss this with you at your convenience.

✓

Thank you for taking the time to read this letter, and I appreciate all your hard work in Madison. Keep it up!!!!

A handwritten signature in black ink, appearing to read "Dennis Badtke", with a stylized, cursive script.

Dennis Badtke

***Dennis and Bonna Badtke
N7062 Marchant Dr.
Rosendale, WI 54974***



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-011741

RNK.....

WLj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2001 BILL

GEN CAT

- 1 AN ACT ...; relating to: requirements for applying for and ~~for~~ issuing licenses for
2 certain game bird and animal farms and ~~for~~ certain wildlife exhibits.

maintenance

Analysis by the Legislative Reference Bureau

Under current law, a person who wants to breed, propagate, kill, or sell game birds and game animals may operate a game bird and animal farm (game farm) for those purposes by obtaining a license from the department of natural resources (DNR). Current law defines game to include all varieties of wild mammals or birds including bear and cougar. Current law also authorizes a person to maintain a wildlife exhibit for the purpose of exhibiting or advertising wild animals provided that the person obtains a wildlife exhibit license from DNR. Wild animals are generally those that are not domestic animals.

This bill requires that a person who applies for a license for a game farm on which the person proposes to have a bear or a cougar, or who applies for a license for a wildlife exhibit at which the person proposes to exhibit a bear or cougar, furnish evidence to DNR that all applicable zoning ordinances and regulations allow the establishment and ~~operation~~ of such a game farm or wildlife exhibit. The bill imposes the same requirements on a person who applies for the renewal of a license if the original license was issued before the effective date of the bill or if, under the original license, the licensee was not authorized to have a bear or cougar. The bill provides that DNR may only issue or renew a license for a game ~~bird and animal~~ farm on which there is a bear or a cougar, or a license for a wildlife exhibit that exhibits a bear or a cougar, if DNR is satisfied that all applicable zoning ordinances and regulations allow the establishment and ~~operation~~ of such a farm or exhibit.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 29.867 (2d)[↓] of the statutes is created to read:

2 29.867 (2d) (a) The department shall require a person who files an application
3 under sub. (2)[↓] for a license for a game bird and animal farm and who proposes to have
4 a bear or a cougar on the farm, to furnish evidence, in the form and with the
5 information required by the department, that all applicable zoning ordinances and
6 regulations allow the establishment and ~~operation~~^{maintenance} of such a game bird and animal
7 farm.

8 (b) The department shall require a person who files an application under sub.
9 (2)[↓] for the renewal of a license for a game bird and animal farm and who proposes
10 to have a bear or a cougar on the farm, to furnish evidence, in the form and with the
11 information required by the department, that all applicable zoning ordinances and
12 regulations allow the establishment and ~~operation~~^{maintenance} of such a game bird and animal
13 farm if any of the following ~~apply~~^{applies}:

14 1. The person is applying to renew a license that was issued before the effective
15 date of this subdivision [revisor inserts date].

16 2. The ~~person is applying to renew a license for a game bird and animal farm~~^{original license that the}
17 ~~on which there was no bear or cougar~~^{did not authorize the person to breed, propagate, kill}
18 ~~on the lands described in the license~~

19 **SECTION 2.** 29.867 (2t) of the statutes is created to read:

20 29.867 (2t) The department may issue or renew a license under sub. (2m)[↓] for
21 a game bird and animal farm on which there is a bear or a cougar only if the
 department determines, from the information furnished by the applicant under sub.

5 or sell

(2d), that all applicable zoning ordinances and regulations allow the establishment and operation of such a game bird and animal farm.

SECTION 3. 29.877 (2t) of the statutes is created to read:

29.877 (2t) (a) If a person filing an application for a license for a wildlife exhibit proposes to exhibit a bear or cougar at the exhibit, the department shall require the person to furnish evidence, in the form and with the information required by the department, that all applicable zoning ordinances and regulations allow the establishment and ~~operation~~^{maintenance} of such a wildlife exhibit.

(b) If a person filing an application for the renewal of a license for a wildlife exhibit proposes to exhibit a bear or cougar at the exhibit, the department shall require the person to furnish evidence, in the form and with the information required by the department, that all applicable zoning ordinances and regulations allow the establishment and ~~operation~~^{maintenance} of such a wildlife exhibit if any of the following applies:

1. The person is applying to renew a license that was issued before the effective date of this subdivision [revisor inserts date].

2. The ~~person is applying to renew a license for a game bird and animal farm~~^{original license that the} ~~on which there was no~~^{did not authorize the person to exhibit} bear or cougar.

SECTION 4. 29.877 (3m) of the statutes is created to read:

29.877 (3m) The department may issue or renew a ^{license for a} wildlife exhibit ⁹ license at which the licensee proposes to exhibit a bear or a cougar only if the department determines ^{1/2 SET} from the information furnished by the applicant under sub. (2t) ^{1/2 SET} that all applicable zoning ordinances and regulations allow such a wildlife exhibit.

SECTION 5. Initial applicability.

1 (1) This act first applies to license application^s and license renewal applications
2 that are filed on the effective date of this SECTION^{J Subsection}.

3 (END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0117/1

RNK:wlj:rs

2001 BILL

1 AN ACT to create 29.867 (2d), 29.867 (2t), 29.877 (2t) and 29.877 (3m) of the
2 statutes; relating to requirements for applying for and issuing licenses for
3 certain game bird and animal farms and certain wildlife exhibits.

Analysis by the Legislative Reference Bureau

Under current law, a person who wants to breed, propagate, kill, or sell game birds and game animals may operate a game bird and animal farm (game farm) for those purposes by obtaining a license from the department of natural resources (DNR). Current law defines game to include all varieties of wild birds or mammals, including bear and cougar. Current law also authorizes a person to maintain a wildlife exhibit for the purpose of exhibiting or advertising wild animals provided that the person obtains a wildlife exhibit license from DNR. Wild animals are generally those that are not domestic animals.

This bill requires that a person who applies for a license for a game farm on which the person proposes to have a bear or a cougar, or who applies for a license for a wildlife exhibit at which the person proposes to exhibit a bear or a cougar, furnish evidence to DNR that all applicable zoning ordinances and regulations allow the establishment and maintenance of such a game farm or wildlife exhibit. The bill imposes the same requirements on a person who applies for the renewal of a license if the original license was issued before the effective date of the bill or if, under the original license, the licensee was not authorized to have a bear or a cougar. The bill provides that DNR may only issue or renew a license for a game farm on which there is a bear or a cougar, or a license for a wildlife exhibit that exhibits a bear or a cougar,

BILL

if DNR is satisfied that all applicable zoning ordinances and regulations allow the establishment and maintenance of such a farm or exhibit.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 29.867 (2d) of the statutes is created to read:

2 29.867 (2d) (a) The department ~~shall require a person who files~~ ^{may not accept} an application
3 under sub. (2) for a license for a game bird and animal farm ~~and who~~ ^{on which the applicant} proposes to have
4 a ^{wolf, a} bear or a cougar ~~on the farm to furnish evidence, in the form and with the~~
5 ~~information required by the department, that all applicable zoning ordinances and~~
6 ~~regulations allow the establishment and maintenance of such a game bird and~~
7 ~~animal farm.~~

8 (b) The department shall require a person who files an application under sub.
9 (2) for the renewal of a license for a game bird and animal farm and who proposes
10 to have a bear or a cougar on the farm, to furnish evidence, in the form and with the
11 information required by the department, that all applicable zoning ordinances and
12 regulations allow the establishment and maintenance of such a game bird and
13 animal farm if any of the following applies:

14 1. The person is applying to renew a license that was issued before the effective
15 date of this subdivision [revisor inserts date].

16 2. The original license that the person is applying to renew did not authorize
17 the person to breed, propagate, kill, or sell bear or cougar on the lands described in
18 the license.

19 **SECTION 2.** 29.867 (2t) of the statutes is created to read:

BILL

1 29.867 (2t) The department may issue or renew a license under sub. (2m) for
2 a game bird and animal farm on which there is a bear or a cougar only if the
3 department determines, from the information furnished by the applicant under sub.
4 (2d), that all applicable zoning ordinances and regulations allow the establishment
5 and operation of such a game bird and animal farm.

6 **SECTION 3.** 29.877 (2t) of the statutes is created to read:

7 29.877 (2t) (a) If a person filing an application for a license for a wildlife exhibit
8 proposes to exhibit a bear or a cougar at the exhibit, the department shall require the
9 person to furnish evidence, in the form and with the information required by the
10 department, that all applicable zoning ordinances and regulations allow the
11 establishment and maintenance of such a wildlife exhibit.

12 (b) If a person filing an application for the renewal of a license for a wildlife
13 exhibit proposes to exhibit a bear or a cougar at the exhibit, the department shall
14 require the person to furnish evidence, in the form and with the information required
15 by the department, that all applicable zoning ordinances and regulations allow the
16 establishment and maintenance of such a wildlife exhibit if any of the following
17 applies:

18 1. The person is applying to renew a license that was issued before the effective
19 date of this subdivision [revisor inserts date].

20 2. The original license that the person is applying to renew did not authorize
21 the person to exhibit bear or cougar.

22 **SECTION 4.** 29.877 (3m) of the statutes is created to read:

23 29.877 (3m) The department may issue or renew a license for a wildlife exhibit,
24 at which the licensee proposes to exhibit a bear or a cougar, only if the department

BILL

1 determines, from the information furnished by the applicant under sub. (2t), that all
2 applicable zoning ordinances and regulations allow such a wildlife exhibit.

3 **SECTION 5. Initial applicability.**

4 (1) This act first applies to license applications and license renewal
5 applications that are filed on the effective date of this subsection.

6 (END)

Meeting at Roessler's office

2-14-01

Tom Hollander - constituent - Town of Springdale

Tom Solin - DNR

aide to Rep. Owens

Karen from Roessler's office

may require a special use permit

question - open -

whether to include wolves

Sen. Roessler's office to get back to me

problem is that DNR issues ~~permits~~ ^{license} ~~that~~
knowing that land is not properly zoned
then the game farm is set up & when town
discovers that it is not properly zoned,
the owner says that since he has a license,
the operation must be valid
then town must undergo costly exercise of
shutting operation down

if the ~~the~~ license applicant must 1st get zoning
checkoff from the local, then the
license won't be issued in the first place
if the property is not properly zoned

Meeting w/ Roessler, Karen, Tom Solin, Tom Harnisch
must first get written approval
if denial must give reasons
can give approval with conditions
condition re: public health & safety

29.853 - (2)(b)

~~but~~ ~~disapproval~~ ~~ad with given approval~~
but use only city, ~~village~~ or town - not
county

add wolves

change relating clause to make clear that brief
only relates to bear, cougar, & wolf

D-Note

2001 BILL

having bear, cougar,
or wolves

REGEN

- 1 AN ACT ~~to create~~ 29.867 (2d), 29.867 (2t), 29.877 (2t) and 29.877 (3m) of the
 2 statutes; **relating to:** requirements for applying for and issuing licenses for
 3 ~~certain~~ game bird and animal farms and ~~certain~~ wildlife exhibits.

↑ and wolf
Analysis by the Legislative Reference Bureau

Under current law, a person who wants to breed, propagate, kill, or sell game birds and game animals may operate a game bird and animal farm (game farm) for those purposes by obtaining a license from the department of natural resources (DNR). Current law defines game to include all varieties of wild birds or mammals, including bear, ~~and~~ cougar. Current law also authorizes a person to maintain a wildlife exhibit for the purpose of exhibiting or advertising wild animals provided that the person obtains a wildlife exhibit license from DNR. Wild animals are generally those that are not domestic animals.

This bill requires ~~that~~ a person who applies for a license for a game farm on which the person proposes to have a bear, ~~or~~ cougar, or who applies for a license for a wildlife exhibit at which the person proposes to exhibit a bear, ~~and~~ cougar, ~~to~~ furnish evidence to DNR that all applicable zoning ordinances and regulations ~~allow~~ the establishment and maintenance of such a game farm or wildlife exhibit. The bill imposes the same requirements on a person who applies for the renewal of a license if the original license was issued before the effective date of the bill or if, under the original license, the licensee was not authorized to have a bear, ~~and~~ cougar. The bill provides that DNR may ~~only~~ issue or renew a license for a game farm on which there is a bear ~~and~~ cougar, or a license for a wildlife exhibit that exhibits a bear ~~and~~ cougar,

to
 (submit a statement to DNR that the governing body of the
 city, village, or town where the ^{game} farm will be located has
 enacted a zoning ordinance or adopted a resolution that permits

BILL

only

determines from the statement submitted by the applicant
if DNR is satisfied that all applicable zoning ordinances and regulations ^{or adopted a resolution that permits} allow the establishment and maintenance of such a farm or exhibit.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

that contains
containing a

SECTION 1. 29.867 (2d) of the statutes is created to read:

29.867 (2d) (a) The department shall require a person who files an application under sub. (2) for a license for a game bird and animal farm ~~and who proposes to have~~ a bear ^{or wolf} or cougar ^{on the farm} to furnish evidence, in the form and with the information required by the department, that ~~all applicable zoning ordinances and regulations allow the establishment and maintenance of such a game bird and animal farm.~~ Insert 2-7

(b) The department shall require a person who files an application under sub. (2) for the renewal of a license for a game bird and animal farm ~~and who proposes to have~~ a bear ^{or wolf} or cougar ^{on the farm} to furnish evidence, in the form and with the information required by the department, that ~~all applicable zoning ordinances and regulations allow the establishment and maintenance of such a game bird and animal farm.~~ if any of the following applies:

1. The person is applying to renew a license that was issued before the effective date of this subdivision [revisor inserts date].

2. The original license that the person is applying to renew did not authorize the person to breed, propagate, kill, or sell bear ^{or wolf} or cougar ^{on the lands} described in the license.

SECTION 2. 29.867 (2t) of the statutes is created to read:

to submit a statement as required under par. (a)

BILL

the city, town, or village where the game bird and animal farm will be located will

29.867 (2t) The department may issue or renew a license under sub. (2m) for a game bird and animal farm ~~in which~~ *that containing* a bear ~~or~~ *or wolf* cougar only if the department determines, from the ~~information furnished~~ *statement submitted* by the applicant under sub. (a) or (b) (2d) that all applicable zoning ordinances and regulations allow the establishment and ~~operation~~ *maintenance* of such a game bird and animal farm.

SECTION 3. 29.877 (2t) of the statutes is created to read:

The department shall require

29.877 (2t) (a) ~~if~~ *who files* a person ~~files~~ *that containing* an application for a license for a wildlife exhibit ~~proposes to exhibit~~ *or wolf* a bear ~~or~~ *at the exhibit* cougar ~~at the exhibit~~ the department shall require the person to furnish evidence, in the form and with the information required by the department, that all applicable zoning ordinances and regulations allow the establishment and maintenance of such a wildlife exhibit. *Insert 3-11*

The department shall require

(b) ~~if~~ *containing* a person ~~files~~ *or wolf* an application for the renewal of a license for a wildlife exhibit ~~proposes to exhibit~~ *at the exhibit* a bear ~~or~~ *the department shall* cougar ~~at the exhibit~~ the department shall require the person to furnish evidence, in the form and with the information required by the department, that all applicable zoning ordinances and regulations allow the establishment and maintenance of such a wildlife exhibit if any of the following applies:

1. The person is applying to renew a license that was issued before the effective date of this subdivision [revisor inserts date].

2. The original license that the person is applying to renew did not authorize the person to exhibit bear ~~or~~ *or wolf* cougar ~~on the lands described in the license~~

SECTION 4. 29.877 (3m) of the statutes is created to read:

29.877 (3m) The department may issue or renew a license for a wildlife exhibit, ~~at which the licensee proposes to exhibit~~ *containing* a bear ~~or~~ *or wolf* cougar, only if the department

to submit a statement as required under par. (a)

BILL**SECTION 4**

statement submitted
the establishment and maintenance of (a) or (b)

1 determines, from the ~~information furnished~~ by the applicant under sub. (2t) that ~~all~~
2 applicable zoning ordinances and regulations allow such a wildlife exhibit.

3 **SECTION 5. Initial applicability.**

4 (1) This act first applies to license applications and license renewal
5 applications that are filed on the effective date of this subsection.

6 (END)

the city, town, or village where the wildlife exhibit will be located will

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0117/2ins.
RNK.....

Insert 2-7

no § to submit a statement from an authorized representative of the governing body of the city, village, or town where the lands described on the application are located that either of the following apply:

1. The governing body of the city, village, or town has enacted a zoning ordinance that permits the establishment and maintenance of a game bird and animal farm ^{SET} containing a bear, cougar, or wolf.

2. The governing body of the city, village, or town has adopted a resolution that permits the establishment and maintenance of a game bird and animal farm containing a bear, cougar, or wolf. The resolution may impose conditions on the establishment or maintenance of the game bird and animal farm.

End of 2-7

Insert 3-11

no § to submit a statement from an authorized representative of the governing body of the city, village, or town where the lands described on the application are located that either of the following apply:

1. The governing body of the city, village, or town has enacted a zoning ordinance that permits the establishment and maintenance of a wildlife exhibit containing a bear, cougar, or wolf.

2. The governing body of the city, village, or town has adopted a resolution that permits the establishment and maintenance of a wildlife exhibit containing a bear, cougar, or wolf. The resolution may impose conditions on the establishment or maintenance of the wildlife exhibit.

End of 3-11

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0117/2dn

RNK....../.....

WJ

Senator Roessler:

As requested, this redraft adds wolves to the list of animals for which an applicant for a license for a game farm or wildlife exhibit must supply a statement to DNR indicating the applicable city, town, or village's approval of the establishment of the game farm or wildlife exhibit. The draft provides that the approval must be evidenced by either a zoning ordinance enacted by the governing body of the applicable city, town, or village or by a resolution adopted by the city, town, or village. Although your redraft instructions did not specify that the approval must be evidenced by an ordinance or a resolution, I have included this requirement to ensure that the approval is duly authorized by the applicable governing body. If this is not consistent with your intent, please let me know and I will redraft accordingly.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0117/2dn
RNK:wlj:pg

March 5, 2001

Senator Roessler:

As requested, this redraft adds wolves to the list of animals for which an applicant for a license for a game farm or wildlife exhibit must supply a statement to DNR indicating the applicable city, town, or village's approval of the establishment of the game farm or wildlife exhibit. The draft provides that the approval must be evidenced by either a zoning ordinance enacted by the governing body of the applicable city, town, or village or by a resolution adopted by the city, town, or village. Although your redraft instructions did not specify that the approval must be evidenced by an ordinance or a resolution, I have included this requirement to ensure that the approval is duly authorized by the applicable governing body. If this is not consistent with your intent, please let me know and I will redraft accordingly.

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State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

March 5, 2001

MEMORANDUM

To: Senator Roessler

From: Robin N. Kite, Legislative Attorney

Re: LRB-0117 Local zoning checkoff for game farm applicants

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

☒ JACKET FOR ASSEMBLY ☒ JACKET FOR SENATE
(OWENS) (Roessler)

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-7291 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.